

REMARKS

Applicant would like to thank the Examiner for his courtesy in a telephone call initiated by Applicant's attorney for the purpose of clarifying the Examiner's position with respect to the rejection of the claims over the Hogan and Silver references.

During the discussion, the Examiner pointed out that under his reading of the claims they were not, as Applicant believed, limited to the times for a message play back being stored local to the recipient. Since the Examiner's reading of the claims allowed for a communication connection to be established at the message play time from a location external to the message recipient, then Hogan, in combination with Silver, satisfied the claim limitations.

The Examiner also pointed out that while the claims indicated that the play time was contained within the message to be played to the recipient, the specification is directed to the play time being associated with the message in the same communication. The Examiner is correct in that the play time is in a communication with the message (or with a pointer to the message). As will be noted below, the claims, as well as the discussion pertaining to the Hogan reference, have been amended to clarify this distinction.

At the conclusion of the telephone call, Applicant's attorney agreed to submit amended claims to make it clear that the play back time is communicated to the recipient's local device (or system) for storage at the local device (or system) and that a message associated with that stored play back time is subsequently played to the message recipient under control of the stored play back time. As will be discussed below, this response contains such amended claims.

The Examiner has rejected claims 1-36, 44 and 48-51 under 35 USC 103 as being unpatentable over Hogan in view of Silver. This rejection is traversed.

Claim 1 now specifically recites that the message recording system has a memory at the recipient's location for storing a play time received in a communication and a device for playing a message associated with the previously stored play time.

Hogan is directed to a system in which a message sender can send a message to a system for later delivery to a recipient. However, since the Hogan system is not local to the recipient the Hogan reference is not applicable to the amended claims. The previously presented claims recited that the play time was in the message. The claims now recite that the play time is in a communication that associates a play time with a particular message and that the play time is stored local to the recipient. In this context, local means at the same physical location as the recipient. Thus, when the message is to be delivered, i.e. at the stored play time, no additional inbound communication connection to the recipient is established. In some of the claims, as will be discussed, the recipient's local device may establish an outbound communication to obtain at least some of the message, as determined by a previously stored communication.

The Silver reference does associate a message to be played with a subsequent play time as the examiner has pointed out. However, in Silver, as discussed in the telephone call, stores the message and play time in a system remote from the recipient and at the play time a communication is established to the recipient and the message is played for the recipient. Nothing in Hogan or in Silver even suggests that the play time be sent to the recipient for controlling a message to be subsequently played. Accordingly, claim 1, as amended, and the claims that depending therefrom, should be held allowable.

With respect to claims 2 and 34 the Examiner points to Hogan column 13, lines 26–30 to show that the message is played at the controlled time. However, the cited lines of Hogan simply talk about delivery of the message and not about playing the message, as specifically claimed. Accordingly, claims 2 and 34 should be held allowable.

With respect to claim 4 the Examiner points to Hogan column 12, lines 27–32 to show that the message that is played is a video message. Nothing in the cited portion of Hogan even suggests that the message is a video message. Accordingly, claim 4 should be held allowable.

Claim 5 has been amended to recite that at least a portion of the message is received with the play time. Since, as discussed above, no play time is ever delivered to the recipient,

Hogan can not be said to teach this element. Accordingly, claim 5, as amended, should be held allowable.

With respect to claims 6 and 35 the Examiner simply says that the messages of Hogan contain call-back numbers. The Examiner has not cited any place in Hogan where such a recitation can be found. Hogan simply does not discuss anything being embedded in the messages and certainly does not discuss embedding call-back numbers. With respect to the other limitations of claims 6 and 35, the Examiner has pointed to portions of the Hogan reference that simply do not contain anything even remotely resembling the claim limitations. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 6 and 35 should be held allowable.

With respect to claims 7 and 20 the Examiner cites Hogan column 12, lines 27–32 to show that Hogan teaches that the controlled time can be a plurality of control times. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation in any manner. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 7 and 20 should be held allowable.

With respect to claims 8, 21, 33 and 48 the Examiner cites Hogan column 12, lines 27–32 to show that Hogan teaches that some messages can have controlled play times and some messages do not have controlled play times. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 8, 21, 33 and 48 should be held allowable.

With respect to claims 9, 24, 49 and 50 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information available at the time the message is played. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location

in Hogan where the claim recitations are taught, claims 9, 24, 49 and 50 should be held allowable.

With respect to claims 10 and 22 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from the sender. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

With respect to claims 11, 23 and 31 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from local sensors. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

With respect to claims 12, and 30 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from local sensors selected from a list. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 12 and 30 should be held allowable.

With respect to claims 13 and 25 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that a particular message is played continuously for a period of time. Applicant cannot address the Examiner’s rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 13 and 25 should be held allowable.

With respect to claims 14 and 29 the Examiner cites Hogan column 12, lines 19–37 to show that Hogan teaches that the message are received in a broadcast mode at different

memories, each memory associated with a different user. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 14 and 29 should be held allowable.

With respect to claims 15 and 26 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played can be played at an override time. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 15 and 26 should be held allowable.

With respect to claims 17 and 32 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message can be converted to particular formats controlled by the message. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 17 and 32 should be held allowable.

With respect to claims 18, 27 and 36 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message play time is dependant upon the message recipient and not on the message play time. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 18, 27 and 36 should be held allowable.

Claim 19 has been amended to make it clear that the communication connection is established to the recipient's (receiving party's) memory device and that a message playing time is sent over the communication path to the memory device. In the Hogan and Silver references, as discussed above, the message and the play time are always held external to the recipient's device and the message is sent to the recipient's device at the controlled play time. Amended claim 19 now specifically recites that an identification of the message to be played

at the play time is sent to the recipient's memory device in association (together) with the play time. Neither Hogan nor Silver address such a limitation. Accordingly, claim 19 as amended, as well as the claims dependant therefrom, should be held allowable.

Claims 28 and 44, as amended, should be held allowable for the same reasons as set forth above with respect to claims 1 and 19, since neither Hogan nor Silver teach, suggest, or even hint at the delivery of messages to a recipient's location that contain the subsequent time for delivery of the message. Accordingly, claims 28 and 44, as amended, should be held allowable.

With respect to claims 10 and 22 the Examiner cites Hogan column 13, lines 26–30 to show that Hogan teaches that the particular message that is to be played is based on information from the sender. Applicant cannot address the Examiner's rejection in detail because the cited portion of Hogan simply does not address such a limitation. Accordingly, unless the Examiner can point to some identifiable location in Hogan where the claim recitations are taught, claims 10 and 22 should be held allowable.

I. Conclusion

For all the reasons given above, Applicant submits that the pending claims distinguish over the prior art under 35 U.S.C. § 103 and meet the requirements of 35 U.S.C. § 112. Accordingly, Applicant submits that this application is in full condition for allowance.

Any fees due in the filing of this response are believed to be dealt with in the accompanying transmittal. However, if an additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 05708/P010US/08008819 from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

Dated: April 24, 2006

Respectfully submitted,

By 

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